BILL NO. Z-87-05-32

ZONING MAP ORDINANCE NO. Z-11-87

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. O-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a POD (Professional Office District) under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

A parcel of land located in the Southeast One-quarter of Section 13, Township 31 North, Range 12 East, Allen County, Indiana and more particularly described as follows, to-wit:

COMMENCING at the intersection of the centerline of Leo Road and the East line of the Southeast One-quarter of said Section; thence South 23 degrees 47 minutes West along said centerline a distance of 389.5 feet; thence South 83 degrees 17 minutes 42 seconds West a distance of 119.62 feet to a point on the West right-of-way line of Leo Road being the Point of Beginning.

BEGINNING at the above described point; thence continuing South 83 degrees 17 minutes 42 seconds West a distance of 506.98 feet to the Southwest corner of Lot #19, Crestwood Colony, Section I; thence South 25 degrees 28 minutes West along the Southeasterly line of Crestwood Colony, Section I, a distance of 462.5 feet; thence North 87 degrees 44 minutes East a distance of 501.40 feet to a point on the existing Westerly right-of-way of Leo Road; thence North 23 degrees 47 minutes East along said right-of-way a distance of 499.33 feet to the Point of Beginning, containing 4.86 acres of land more or less, subject to an easement for storm drainage purposes only over the West and North 14 feet of tract and a 14 foot utility easement traversing through said tract recorded in Document Record 519, Page 449. Also, a storm drainage easement over the West 50 feet and the North 50 feet of the Tract as recorded in the Board of Public Works Resolution No. 15-1966.

and the symbols of the City of Fort Wayne Zoning Map No. O-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the

Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

FOX RIVER BOND
25% COTTON

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S

DATE: 5-26-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the ~~third~~ time in full and on motion by Bradbury, seconded by Eisbart, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY				✓	
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 7-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE ~~(RESOLUTION)~~ NO. 3-11-87, on the 14th day of July, 19 87,

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of July, 19 87, at the hour of 11:30 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of July, 19 87, at the hour of 9:00 o'clock A.M.,E.S.T.

WIN MOSES, JR., MAYOR

Admn. Appr. _____

COUNCILMANIC DISTRICT No. ____ DIGEST SHEET ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 6300 North Clinton Street

3-87-05-32

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential.
Property will become P O D - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-87-05-32

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment From RA to POD		

DETAILS

Specific Location and/or Address

6300 North Clinton Street

Reason for Project

Professional Office Development

Discussion (Including relationship to other Council actions)

18 May 1987 - Public Hearing

The minutes for the public hearing are attached.

1 June 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

Of the 8 members present 5 voted in favor of the recommendation 3 voted against the recommendation.

Motion carried.

NOTE: Any conditions or requirements for this project are placed on the development plan and not on the rezoning. These requirements would have to be satisfied prior to approval of the development plan.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Darryl Agler **City Department** **Other**
Opponents	**Groups or Individuals** Crestwood Neigh Association Clarence Henderickson **Basis of Opposition** -water runoff problem in area would be worsened by an office development
Staff Recommendation	[X] For [ ] Against **Reason Against**
Board or Commission Recommendation	**By** [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to condition (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 13 April 1987

Projected Completion or Occupancy Date 15 June 1987

Fact Sheet Prepared by Date 15 June 1987

Patricia Biancaniello

Reviewed by Date 6/16/87

Gary Burton

Reference or Case Number

Janet Bradbury questioned if it would be an enormous increase in cost to put in a covered drain.

Mr. Dickmeyer stated it would not only be an increased cost factor but an open ditch can carry a great deal more capacity and also allows for some onsite storage.

Janet Bradbury stated that she felt it was a safety hazard for the children in the area.

Darryl Agler stated that the ditch is existing now and they are simply going to clean it up and widened it. He stated they are only going to add two foot of depth. He stated if there is a safety hazard it is already existing.

Clarence Henderickson, 6734 Baytree Drive, stated that he has lived in his home for 17 years and has always had a water problem. He stated that this development would add even more of a water problem and he did not feel that widening the ditch would help to solve the problem. He stated that the residents of Crestwood wanted to protest this development strongly. He stated that the Association would like more information from the developer as to what they intend to do.

Steve Smith questioned if the Association had a formal meeting and voted against this development.

Mr. Henderickson stated that their President Mr. Bud Hartman has been ill and he did not think there had been any formal meeting to vote on this issue.

Kerry Dickmeyer stated they intend to clean out the ditch. He stated that there is no flood plain on this property or adjacent to it. He stated the nearest the flood plain is on the east side of North Clinton.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning or development plan.

DarryI Agler, President of Westlane Development Incorporated appeared before the Commission. Mr. Agler stated that he was proposing an office site on a 5.4 acre site. He stated that they are proposed 4 2-story buildings of 13,000 sq ft each. He stated the buildings will be of a residential frame construction with a wood and masonry exterior. He stated that they realize in the past that there was strong opposition to the development of this site because of the water runoff. He stated that engineer Kerry Dickmeyer has been working with City Water Engineer Terry Atherton and has developed an engineering plan that they feel will more than balance the amount of runoff that we will be adding to the site.

Mel Smith questioned how much traffic they anticipated generating from this development.

Mr. Agler stated that they anticipated 25 to 30 offices and it will depend somewhat on the tenants as to how much traffic will be generated.

Steve Smith asked them to explain how they intended to handle the flooding in the area.

Kerry Dickmeyer stated that they have proposed widening of the Kramer Ditch which runs along the North and West property lines of their property. He stated they intend to increase the area capacity of the ditch. He stated the average end area of the capacity of the ditch as it exists now is approximately 224 sq ft what they are intending to increase it up to 310 sq ft. He stated that the drainage capacity of the ditch presently is 970 cubic feet per second what the ditch capacity will be after the development will be 1700 cubic feet. He stated they intend to clean the ditch out and add approximately 1 foot of extra depth to the ditch. He stated they will more than double the storage capacity of the ditch.

Janet Bradbury questioned since this was an open ditch what type of safety problems this would cause. She questioned how much water could be standing in this ditch.

Kerry Dickmeyer stated that it could hold up to 7 foot of water. He stated the ditch bank has a steep slope presently and they intend to flatten that out so that it is not such a steep edge.

Janet Bradbury questioned if they had met with the Community Association that border the ditch.

Mr. Agler stated that he had spoken with Pastor of Gethsamene Lutheran Church, Bud Hartman, Pres. of the Crestwood Association was out of town last week. He stated that he spoke with Liz Armstrong the Assistant Vice-President and also with a representative from the Quaker Church.

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

cf # 1142

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

№ 1186

FT. WAYNE, IND., 4-13 1987

RECEIVED FROM Westland Investments $ 50.00

THE SUM OF fifty & 00/100 DOLLARS

ON ACCOUNT OF

6300 No. Clinton

rezoning

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED April 10, 1987

INTENDED USE P.O.D.

THIS IS TO BE FILED IN DUPLICATE

I/We Darryl Agler
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an P.O.D. District the property described as follows:

SEE ATTACHED

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

6300 North Clinton (Leo Road)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Darryl Agler	2602 Terrace Road Fort Wayne, IN 46805	Darryl Agler
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinar being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

Darryl Agler	2602 Terrace Rd. Ft. Wayne, IN 46805	483-0843
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

A parcel of land located in the Southeast One-quarter of Section 13, Township 31 North, Range 12 East, Allen County, Indiana and more particularly described as follows, to wit:

COMMENCING at the intersection of the centerline of Leo Road and the East line of the Southeast One-quarter of said Section; thence South 23 degrees 47 minutes West along said centerline a distance of 389.5 feet; thence South 83 degrees 17 minutes 42 seconds West a distance of 119.62 feet to a point on the West right-of-way line of Leo Road being the Point of Beginning.

BEGINNING at the above described point; thence continuing South 83 degrees 17 minutes 42 seconds West a distance of 506.98 feet to the Southwest corner of Lot # 19, Crestwood Colony, Section I; thence South 25 degrees 28 minutes West along the Southeasterly line of Crestwood Colony, Section I, a distance of 462.5 feet; thence North 87 degrees 44 minutes East a distance of 501.40 feet to a point on the existing Westerly right-of-way of Leo Road; thence North 23 degrees 47 minutes East along said right-of-way a distance of 499.33 feet to the Point of Beginning, containing 4.86 acres of land more or less, subject to an easement for storm drainage purposes only over the West and North 14 feet of tract and a 14 feet utility easement traversing through said tract recorded in Document Record 519, Page 449. Also, a storm drainage easement over the West 50 feet and the North 50 feet of the Tract as recorded in the Board of Public Works Resolution No. 15-1966.

read
7/14/87

BILL NO. Z-87-05-32

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. 0-38

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ Do Pass

YES		NO
Janet G. Bradbury	JANET G. BRADBURY CHAIRPERSON	~~Janet~~
Charles B. Redd	CHARLES B. REDD VICE CHAIRMAN	
	THOMAS C. HENRY	
	PAUL M. BURNS	
	BEN A. EISBART	

CONCURRED IN 7-14-87.

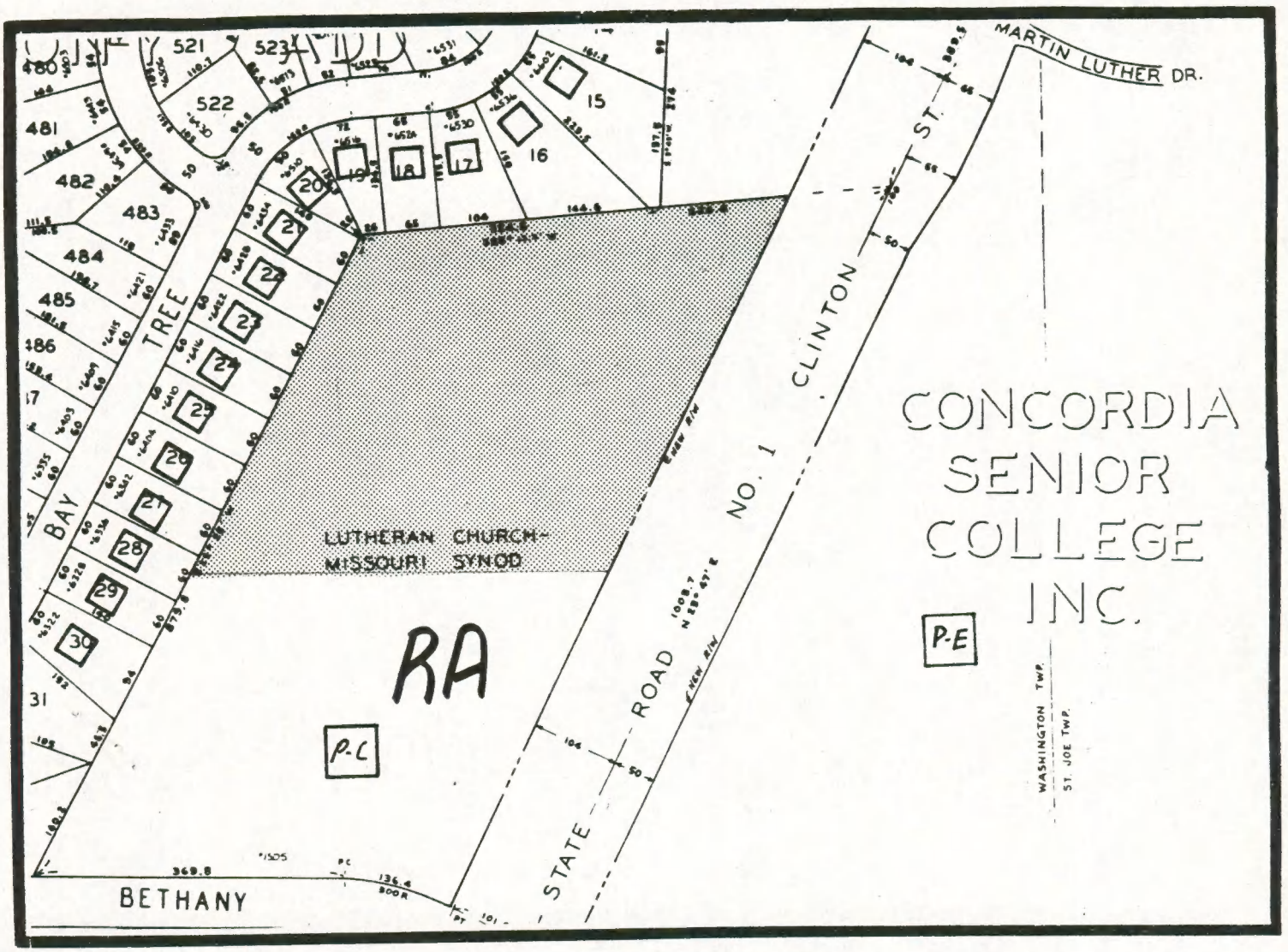
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #87

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-A DISTRICT TO A P.O.D. DISTRICT.

MAP NO. 0-38

COUNCILMANIC DISTRICT NO. 3



ZONING:

RA RESIDENCE 'A'

LAND USE:

- ☐ SINGLE FAMILY
- P-C PUBLIC-CHURCH
- P-E PUBLIC-EDUCATIONAL

N

SCALE: 1" = 200'

DATE: 4-29-87